

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA**

In re:	BKY 23-30259ND
	Chapter 13
Joseph and Kasey Bourne,	Bismarck
Debtors.	

MOTION TO DISMISS AND NOTICE OF MOTION

TO: All parties in interest.

1. Kyle L. Carlson, Chapter 13 Trustee, moves to dismiss this case and provides notice.

2. Parties in interest may file objections to the Motion to Dismiss within 21 days from the date of this notice. A hearing will be scheduled if objections are filed. All objections should be filed with the Clerk of Bankruptcy Court, Quentin N. Burdick U.S. Courthouse, 655 1st Avenue N., Ste. 210, Fargo, ND 58102-4932 and upon the Trustee within 21 days of this notice.

3. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334. The motion is brought pursuant to 11 U.S.C. § 1307 and Bankruptcy Rule 1017. The debtors commenced this case by filing a voluntary Chapter 13 petition on August 7, 2023. This case is pending before this Court.

4. The confirmed plan requires the submission of the 2023 tax returns to the Trustee and the turn over of a portion of tax refunds to the Trustee. To date, those returns and refunds have not been submitted. This represents a material default and is cause for dismissal pursuant to 11 U.S.C. § 1307(c)(6).

5. The debtors are delinquent in plan payments to the Trustee in the amount of \$3,616.84 through February 2025. This represents a material default with respect to a term of the confirmed plan and is cause for dismissal pursuant to 11 U.S.C. § 1307(c)(6).

WHEREFORE, the Trustee moves the Court for an order dismissing the case and such other relief as may be just and equitable.

Dated: February 27, 2025

/s/ Kyle L. Carlson
Kyle L. Carlson
Chapter 12 & 13 Trustee
PO Box 519
Barnesville, MN 56514
218-354-7356

VERIFICATION

I, Kyle L. Carlson, Chapter 13 Trustee, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: February 27, 2025

/s/ Kyle L. Carlson
Kyle L. Carlson, Trustee

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Debtors.

UNSWORN DECLARATION FOR PROOF OF SERVICE

The undersigned, being an employee of the standing Chapter 13 Trustee, declares that on the date indicated below, I served the attached Motion to Dismiss and Notice of Motion upon all entities named below by first class mail postage prepaid and to any entities who are Filing Users, by automatic e-mail notification pursuant to the Electronic Case Filing System:

Joseph and Kasey Bourne
12249 26F Street NW
Watford City, ND 58854

Exeter Finance LLC, c/o AIS Portfolio Services, LLC
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: February 27, 2025

/s/ Patricia Halverson
Patricia Halverson
Chapter 13 Office